

Message Text

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NSAE-00 NSC-05 PA-02 PRS-01 SP-02 SS-15 USIA-15 AID-05
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FOR AMBASSADORS HECK AND VAKY

E.O. 11652: N/A
TAGS: PINS, ASEC, VE, US
SUBJ: NIEHOUS KIDNAPPING-PRESIDENT RULES MILITARY TRIAL TO
CONTINUE

REF: CARACAS 2320

1. PRESIDENT CARLOS ANDRES PEREZ RULED MARCH 8 THAT THE MILITARY TRIAL OF FOUR SUSPECTS IN THE NIEHOUS KIDNAPPING CASE SHOULD CONTINUE. THE FOUR SUSPECTS ARE DAVID NIEVES AND IVAN PADILLA ARRESTED IN JULY 1976, AND DEPUTIES FORTUNATO HERRERA AND SALOM MEZA ESPINOZA, ARRESTED IN AUGUST 1976. THEY WERE ADVISED BY THE THIRD MILITARY TRIBUNAL OF CARACAS THAT PEREZ, IN HIS CAPACITY AS ARMED FORCES COMMANDER-IN-CHIEF, HAD DETERMINED THAT THE TRIAL SHOULD BE CARRIED FORWARD TO ITS CONCLUSION.

2. THE SUSPECTS ARE SCHEDULED TO NAME FORMALLY THEIR DEFENSE ATTORNEYS MARCH 9. IT IS UNDERSTOOD THAT DEPUTY HERRERA WILL NAME VICENTE GONZALEZ HERRERA AND THE LATTER'S WIFE, ELAINE DE LA VEGA DE GONZALEZ, AS HIS ATTORNEYS. DEPUTY MEZA'S LAWYERS WILL REPORTEDLY BE RAFAEL PEREZ PERDOMO AND JOAQUIN PEREZ
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DIAZ. GONZALEZ HERRERA TOLD REPORTS MARCH 8 THAT HE REMAINS CONVINCED THAT THE TWO DEPUTIES WERE NOT CONNECTED WITH THE KIDNAPPING IN ANY WAY. "BOTH FORTUNATO HERRERA AND SALOM MEZA ACTED AS INTERMEDIARIES IN GOOD FAITH," GONZALEZ HERRERA SAID, "IN THE SAME WAY AS CARDENAL QUINTERO, EMILIO CONDE JHAN, AND OTHER PERSONS WHO WILL BE MADE KNOWN AT THE PROPER TIME."

3. IN A SEPARATE DEVELOPMENT, INTERIOR MINISTER OCTAVIO LEPAGE DISMISSED MARCH 8 AS "COMPLETELY FALSE" A PRESS REPORT THAT ONE OF THE SUSPECTS ARRESTED IN THE NIEHOUS CASE HAD EXONERATED DEPUTIES HERRERA AND MUZA OF INVOLVEMENT IN THE KIDNAPPING. LEPAGE ALSO CONFIRMED THAT THERE HAVE BEEN A "FAIRLY HIGH NUMBER" OF RECENT ARRESTS AND THAT THOSE DETAINED ARE BEING QUESTIONED ABOUT POSSIBLE LINKS WITH THE NIEHOUS KIDNAPPERS. MEANWHILE A LARGE-SCALE SEARCH FOR NIEHOUS BY THE POLICE AND UNITS OF THE ARMED FORCES CONTINUED MARCH 8 IN THE STATES OF ARAGUA AND CARABOBO.

4. COMMENT: PEREZ' DECISION MARCH 8 THAT THE TRIAL OF THE FOUR NIEHOUS SUSPECTS SHOULD CONTINUE IS ONE THAT IS MADE IN EVERY MILITARY TRIAL. AFTER ALL AVAILABLE EVIDENCE HAS BEEN COLLECTED BY THE MILITARY TRIBUNAL, THE PRESIDENT REVIEWS THE EVIDENCE AND DETERMINES WHETHER THE TRIAL SHOULD GO FORWARD. THERE HAD BEEN SOME PRIOR SPECULATION THAT PEREZ MIGHT RULE THAT THE MILITARY TRIAL OF ONE OR BOTH DEPUTIES SHOULD NOT BE CONTINUED, PARTICULARLY IF ONE OF THEM REVEALED INFORMATION LEADING TO NIEHOUS' RESCUE, BUT THIS PRESUMABLY DID NOT OCCUR.

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